

# EXHIBIT G

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Christopher Corcoran, *et al.*, on behalf of  
themselves and others similarly situated,

Plaintiffs,

v.

CVS Pharmacy, Inc.

*Defendant.*

Case No. 4:15-cv-03504-YGR-JSC

**DECLARATION OF STEVEN WEISBROT  
OF ANGEION GROUP, LLC**

I, Steven Weisbrot, Esq., declare under penalty of perjury as follows:

1. I am a partner at the class action notice and settlement administration firm Angeion Group, LLC (“Angeion”). I am fully familiar with the facts contained herein based upon my personal knowledge.

2. I have been responsible in whole or in part for the design and implementation of hundreds of court-approved notice and administration programs including some of the largest and most complex notice plans in recent history. I have taught numerous accredited Continuing Legal Education courses on the Ethics of Legal Notification in Class Action Settlements, using Digital Media in Due Process Notice Programs, as well as Claims Administration, generally. I am the author of multiple articles on Class Action Notice, Claims Administration, and Notice Design in publications such as Bloomberg, BNA Class Action Litigation Report, Law360, the ABA Class Action and Derivative Section Newsletter, and I am a frequent speaker on notice issues at conferences throughout the United States and internationally.

3. I was certified as a professional in digital media sales by the Interactive Advertising Bureau (“IAB”) and I am co-author of the Digital Media section of Duke Law’s *Guidelines and Best Practices—Implementing 2018 Amendments to Rule 23*.

1 4. I have given public comment and written testimony to the Judicial Conference Committee  
2 on Rules of Practice and Procedure on the role of direct mail, email, broadcast media, digital  
3 media and print publication, in providing Due Process notice, and I have met with representatives  
4 of the Federal Judicial Center to discuss the 2018 amendments to Rule 23 and suggest an  
5 educational curriculum for the judiciary concerning notice procedures.

6 5. Prior to joining Angeion's executive team, I was employed as Director of Class Action  
7 services at Kurtzman Carson Consultants, an experienced notice and settlement administrator.  
8 Prior to my notice and claims administration experience, I was employed in private law practice.

9 6. My notice work comprises a wide range of settlements that include product defect, mass  
10 disasters, false advertising, employment, antitrust, tobacco, banking, firearm, insurance, and  
11 bankruptcy cases. I have been at the forefront of infusing digital media, electronic means and big  
12 data and advanced targeting, into class action notice programs. For example, the Honorable Sarah  
13 Vance stated in her December 31, 2014 Order in *In Re: Pool Products Distribution Market*  
14 *Antitrust Litigation*, MDL No. 2328:

15 To make up for the lack of individual notice to the remainder of the  
16 class, the parties propose a print and web-based plan for publicizing  
17 notice. The Court welcomes the inclusion of web-based forms of  
18 communication in the plan.... The Court finds that the proposed  
19 method of notice satisfies the requirements of Rule 23(c)(2)(B) and  
20 due process.

21 The direct emailing of notice to those potential class members for  
22 whom Hayward and Zodiac have a valid email address, along with  
23 publication of notice in print and on the web, is reasonably  
24 calculated to apprise class members of the settlement.

25 As detailed below, courts have repeatedly recognized my work in the design of class action  
26 notice programs:

27 (a) On February 24, 2017, The Honorable Ronald B. Rubin in *James Roy et al. v.*  
28 *Titeflex Corporation et al.*, No. 384003V (Md. Cir. Ct.), noted when granting preliminary  
approval to the settlement:

1 What is impressive to me about this settlement is in addition to all  
2 the usual recitation of road racing litanies is that there is going to be  
3 a) public notice of a real nature and b) about a matter concerning not  
4 just money but public safety and then folks will have the knowledge  
5 to decide for themselves whether to take steps to protect themselves  
6 or not. And that's probably the best thing a government can do is to  
7 arm their citizens with knowledge and then the citizens can make a  
8 decision. To me that is a key piece of this deal. ***I think the notice  
9 provisions are exquisite.*** (Emphasis added).

10 (b) Likewise, on July 21, 2017, The Honorable John A. Ross in *In Re Ashley Madison*  
11 *Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. Mo.), stated in the Court's  
12 Order granting preliminary approval of the settlement:

13 The Court further finds that the method of disseminating Notice, as  
14 set forth in the Motion, the Declaration of Steven Weisbrot, Esq. on  
15 Adequacy of Notice Program, dated July 13, 2017, and the Parties'  
16 Stipulation—including an extensive and targeted publication  
17 campaign composed of both consumer magazine publications in  
18 People and Sports Illustrated, as well as serving 11,484,000 highly  
19 targeted digital banner ads to reach the prospective class members  
20 that will deliver approximately 75.3% reach with an average  
21 frequency of 3.04 —***is the best method of notice practicable under  
22 the circumstances and satisfies all requirements provided in Rule  
23 23(c)(2)(B) and all Constitutional requirements including those of  
24 due process.*** (Emphasis added).

25 The Court further finds that the Notice fully satisfies Rule 23 of the  
26 Federal Rules of Civil Procedure and the requirements of due  
27 process; provided, that the Parties, by agreement, may revise the  
28 Notice, the Claim Form, and other exhibits to the Stipulation, in  
ways that are not material or ways that are appropriate to update  
those documents for purposes of accuracy.

29 (c) In the *In Re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and*  
30 *Products Liability Litigation*, Case No. 17-md-02777-EMC (N.D. Cal.), in the Court's February  
31 11, 2019 Order, the Honorable Edward M. Chen ruled:

32 [In addition] the Court finds that the language of the class notices  
33 (short and long-form) is appropriate and that the means of notice –  
34 which includes mail notice, electronic notice, publication notice, and  
35 social media “marketing” – is the “best notice . . . practicable under  
36 the circumstances.” Fed. R. Civ. P. 23(c)(2)(B); see also Proc.  
37 Guidance for Class Action Sett. ¶¶ 3-5, 9 (addressing class notice,  
38

1 opt-outs, and objections). The Court notes that the means of notice  
2 has changed somewhat, as explained in the Supplemental Weisbrot  
3 Declaration filed on February 8, 2019, so that notice will be more  
4 targeted and effective. See generally Docket No. 525 (Supp.  
5 Weisbrot Decl.) (addressing, inter alia, press release to be  
6 distributed via national newswire service, digital and social media  
7 marketing designed to enhance notice, and “reminder” first-class  
8 mail notice when AEM becomes available).

9 (d) On June 26, 2018, in his Order granting preliminary approval of the settlement in  
10 *Mayhew v. KAS Direct, LLC, et al.*, Case No. 16-cv-6981 (VB) (S.D.N.Y.), The Honorable  
11 Vincent J. Briccetti ruled:

12 In connection with their motion, plaintiffs provide the declaration  
13 of Steven Weisbrot, Esq., a principal at the firm Angeion Group,  
14 LLC, which will serve as the notice and settlement administrator in  
15 this case. (Doc. #101, Ex. F: Weisbrot Decl.) According to Mr.  
16 Weisbrot, he has been responsible for the design and  
17 implementation of hundreds of class action administration plans,  
18 has taught courses on class action claims administration, and has  
19 given testimony to the Judicial Conference Committee on Rules of  
20 Practice and Procedure on the role of direct mail, email, and digital  
21 media in due process notice. Mr. Weisbrot states that the internet  
22 banner advertisement campaign will be responsive to search terms  
23 relevant to “baby wipes, baby products, baby care products,  
24 detergents, sanitizers, baby lotion, [and] diapers,” and will target  
25 users who are currently browsing or recently browsed categories  
26 “such as parenting, toddlers, baby care, [and] organic products.”  
27 (Weisbrot Decl. ¶ 18). According to Mr. Weisbrot, the internet  
28 banner advertising campaign will reach seventy percent of the  
proposed class members at least three times each. (Id. ¶ 9).  
Accordingly, the Court approves of the manner of notice proposed  
by the parties as it is reasonable and the best practicable option for  
confirming the class members receive notice.

7. By way of background, Angeion is an experienced class action notice and claims  
administration company formed by a team of executives that have had extensive tenures at five  
other nationally recognized claims administration companies. Collectively, the management team  
at Angeion has overseen more than 2,000 class action settlements and distributed over \$10 billion  
to class members. The executive profiles as well as the company overview are available at  
[http://www.angeiongroup.com/our\\_team.htm](http://www.angeiongroup.com/our_team.htm).

1 8. Specifically, Angeion has been appointed as the administrator in multiple cases litigated in  
2 the Northern District of California, including several cases following the implementation of the  
3 Northern District's revised guidance. A representative list of those cases is included herein as  
4 **Attachment 1.**

5 9. This declaration will describe the notice program that will be implemented in this matter,  
6 subject to this Court's approval, including the considerations that informed the development of  
7 the plan and why I believe it will provide Due Process of Law to the Class. In my professional  
8 opinion, the Notice Plan described herein is the best practicable notice under the circumstances  
9 and fulfills all due process requirements.

10 **SUMMARY OF THE NOTICE PROGRAM**

11 10. The proposed Notice Program is the best notice that is practicable under the  
12 circumstances, including individual notice to all members who can be identified through  
13 reasonable effort. The notice will be made by a combination of United States mail and other  
14 electronic means, including direct notice via text messaging and email. Specifically, the Notice  
15 Program contemplates the use of email or text message in the first instance and direct mail notice  
16 for Class Members whose digital notice was not delivered via the above-described delivery  
17 methods. The Notice Program also includes an informational website and toll-free telephone line  
18 where Class Members can learn more about their rights and responsibilities in the litigation.

19 **DIRECT NOTICE VIA TEXT MESSAGE & EMAIL**

20 11. Angeion has been advised that the estimated class size is 6,150,000 class members and that  
21 CVS possesses at least one complete mailing address for more than 99% of the class members. I  
22 am further advised that CVS possesses at least one phone number for 95% of the class members  
23 and that Angeion will be provided with valid cellular phone numbers for approximately 50% of  
24 the class. Given that CVS maintains cell phone numbers for approximately, 50% of the class, the  
25 Notice Program will utilize the cellular phone numbers provided to Angeion to send a SMS (text)  
26 message to the Class Members. The text message notice will advise the Class Members of the  
27 pending litigation and will direct them to the dedicated website for additional information. It is  
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1 important to note that the SMS (text) messages will only be sent to class members who have not  
2 opted out of receiving such messages from CVS.<sup>1</sup> Given that the class member has provided a  
3 mobile cell phone number to CVS and has not opted out from receiving texts from, CVS, it is my  
4 opinion that an informational court-ordered text message, is not only appropriate in this case, but  
5 will be instrumental in cost-effectively notifying the class of the instant litigation.

### 6 **Reverse Email Look-Up**

7 12. While CVS does not maintain a robust list of class member addresses, Angeion is able to  
8 accurately garner class member email addresses by utilizing the data points that CVS does  
9 maintain. This process is typically referred to as an email “append” and is routinely utilized by  
10 corporate marketing departments, brand advertisers, and class action notification specialists, in  
11 order to reach their customers, consumers or class members.

12 13. Here, an append will be performed on Class Member records for which a cellular phone  
13 number is not provided. An additional append search will be performed on any Class Members  
14 whose text message notice was not delivered.

15 14. The append will attempt to locate email addresses associated with the Class Member  
16 information provided to Angeion by utilizing a network of data partners<sup>2</sup> to aggregate a  
17 combination of first- and third-party consumer data to source, update, and verify email addresses.  
18 Specifically, the append matches email addresses to certain other data points as a validity check,  
19 such as the individual’s name, U.S. postal address and cellular or home phone number. In my  
20 professional experience, and based on the availability of the data points described above, I believe  
21 we will be able to garner email addresses for approximately 65% of the class, or more.

### 22 **Email Notice**

23  
24 15. Angeion will cause notice of the litigation to be sent via email to Class Members who did  
25 not have a cellular phone number, and either: (1) had an email address provided by CVS in the

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26 <sup>1</sup> The use of SMS (text) messages to provide notice to certain class members is conditioned upon the Court making a  
27 specific finding in the notice Order that these are informational messages pertaining to the class members’ relationship  
with CVS. *See* [Proposed] Order at ¶ iii.

28 <sup>2</sup> Our data partners typically include Acxiom, Dun & Bradstreet, Google, Nielsen, Oracle and Facebook.

1 original Class Member data, or (2) for whom Angeion obtained email addresses via the append  
2 searches described above.

3 16. Below I have outlined some of Angeion's practices to increase deliverability and  
4 readability of email notice that Angeion will employ when sending the email notice.

5 17. As an initial matter, Angeion designs the email notice to avoid common "red flags" that  
6 might otherwise cause the recipient's spam filter to block the email notice or identify it as spam.  
7 For example, Angeion will not include the long form notice as an attachment to the email notice  
8 because attachments are often interpreted by various Internet Service Providers ("ISP") as spam.  
9 Rather, in accordance with industry best practices, Angeion will include electronic links to all  
10 operative documents so that recipients can easily access this information.

11 18. Angeion also accounts for the reality that some emails will inevitably be unsuccessful  
12 during the initial delivery attempt. Therefore, after the initial email noticing campaign is complete,  
13 Angeion, after an approximate 24-72-hour rest period, which allows any temporary block at the  
14 ISP level to expire, will direct a second round of email notice to any email addresses that were  
15 previously identified as soft-bounces. In Angeion's experience, this minimizes the number of  
16 emails that may have erroneously been blocked by sensitive servers.

17 **DIRECT MAILED NOTICE**

18 19. Angeion proposes to send the postcard notice to Class Members for whom Angeion is  
19 provided address information, and either: (1) whose text message and email notice were not  
20 delivered, or (2) did not have a cellular phone number or email address in the data provided (and  
21 an email address was not identified via the append process). The postcard notice will be mailed via  
22 the United States Postal Service ("USPS") first-class mail, postage prepaid.

23 20. To obtain the most current mailing addresses for class members whose contact information  
24 is provided to Angeion, the addresses provided will be processed through the USPS National  
25 Change of Address ("NCOA") database. This process provides updated addresses for individuals  
26 who have moved within the past four years and who filed a change of address card with the USPS.



21. Similarly, in an effort to deliver Notices to the intended recipients, the Notice Program provides for the following: (a) notices that are returned as undeliverable by the USPS and have a forwarding address will be re-mailed to that forwarding address; and (b) notices that are returned as undeliverable by the USPS without a forwarding address will be subject to address verification searches (“skip tracing”), utilizing a wide variety of data sources, including public records, real estate records, electronic directory assistance listings, etc., to locate updated addresses. Notices will then be re-mailed by Angeion to the updated addresses located through skip tracing.

### **RESPONSE MECHANISMS**

22. The Notice Program will also implement the creation of a case-specific website, where Class Members can easily view general information about this class action lawsuit, review relevant Court documents, and view important dates and deadlines pertinent to the litigation. The website will be designed to be user-friendly and make it easy for Class Members to find information about the case. The website will also have a “Contact Us” page whereby Class Members can send an email with any additional questions to a dedicated email address.

23. A toll-free hotline devoted to this case will be implemented to further apprise Class Members of the rights and options in the lawsuit. The toll-free hotline will utilize an interactive voice response (“IVR”) system to provide Class Members with responses to frequently asked questions and provide essential information regarding the lawsuit. This hotline will be accessible 24 hours a day, 7 days a week.

### **CONCLUSION**

24. The proposed Notice Program is the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice will be made by a combination of United States mail and other electronic means, including direct notice via text messaging and email.

25. In my opinion, the Notice Plan will provide full and proper notice to Class Members before the applicable opt-out deadline. Moreover, it is my opinion that Notice Program is the best

1 notice that is practicable under the circumstances, fully comports with due process, Fed. R. Civ. P.  
2 23, and the Northern District's Procedural Guidance for Class Action Settlements. After the  
3 Notice Plan, Angeion will provide a final report verifying its effective implementation.

4  
5 I hereby declare under penalty of perjury that the foregoing is true and correct.

6 Dated: September 16, 2019

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8   
9 STEVEN WEISBROT

# **ATTACHMENT 1**

**Cases Administered by Angeion Group in the Northern District of California**

*Carlotti v. ASUS Computer International*, Case No. 4:18-cv-03369-DMR

*Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices and Products Liability Litigation*, Case No. 3:17-md-02777-EMC

*Corzine v. Whirlpool Corp.*, Case No. 5:15-cv-05764-BLF

*Cryer v. Franklin Resources, Inc.*, Case No. 4:16-cv-04265-CW

*Des Roches, et. al. v. California Physicians' Service, et al.*, Case No. 5:16-cv-02848-LHK

*Dulberg, et al. v. Uber Technologies, Inc., and Rasier, LLC*, Case No. 3:17-cv-00850 WHA

*Fishman et. al. v. Tiger Natural Gas Inc., et. al.*, Case No. 3:17-cv-05351-WHA

*Halvorson et al. v. TalentBin, Inc.*, Case No. 3:15-cv-05166-JCS

*Hanson v. JQD, LLC, d/b/a Pro Solutions*, Case No. 4:13-cv-05377-RS

*In re Lenovo Adware Litigation*, Case No. 4:15-md-02624-HSG

*Reyna et al. v. Arris International PLC*, Case No. 5:17-cv-01834-LHK

*Robb et al. v. Fitbit Inc., et al.*, Case No. 3:16-cv-00151-SI

*Rodman v. Safeway Inc.*, Case No. 3:11-cv-03003-JST

*Rollins, et al. v. Dignity Health, et al.*, Case No. 3:13-cv-01450-JST

*Tony Dickey and Paul Palmer, et al. v. Advanced Micro Devices, Inc.*, Case No. 4:15-cv-04922-HSG

*Williamson v. McAfee, Inc.*, Case No. 5:14-cv-00158-EJD; *Kirby v. McAfee, Inc.*, Case No. 5:14-cv-2475-EJD